

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA

v.

NO. 2:12-mj-00025

JAMES A. MATHENY

MOTION FOR DETENTION HEARING

The United States moves this Court to hold a detention hearing pursuant to 18 U.S.C. § 3142(f) to determine whether any condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of other persons and of the community.

1. Eligibility of Case. This case involves a:

- ☒ crime of violence [18 U.S.C. § 3142(f)(1)(a)]
- ☐ maximum sentence life imprisonment or death [18 U.S.C. § 3142(f)(1)(B)]
- ☐ 10+ year controlled substance offense [18 U.S.C. § 3142(f)(1)(C)]
- ☐ felony, with two prior convictions in above categories [18 U.S.C. § 3142(f)(1)(D)]
- ☐ minor victim, or the possession or use of a firearm or destructive device, or other dangerous weapon, or a failure to register under 18 U.S.C. § 2250 [18 U.S.C. § 3142(f)(1)(E)]
- ☐ serious risk defendant will flee [18 U.S.C. § 3142(f)(2)(A)]
- ☐ serious risk of obstruction of justice [18 U.S.C. § 3142(f)(2)(B)]

2. Reason for Detention. The court should detain defendant because no conditions of release will reasonably assure (check one or both):

  X   Defendant's appearance as required

  X   Safety of any other person and the community

3. Rebuttable Presumption. The United States will not invoke the rebuttable presumption against defendant pursuant to 18 U.S.C. § 3142(e). (If yes) The presumption applies because:

       Probable cause to believe defendant committed 10+ year controlled substance offense, or offense under 18 U.S.C. § 924(c), 956(a), or 2332b.

       Previous conviction for "eligible" offense committed while on pretrial bond. Eligible offenses are the first four categories listed under Paragraph 1 of this motion.

       Probable cause to believe defendant committed an offense involving a minor as a victim under 18 U.S.C. § (1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1)-(3), 2252A(1)-(4), 2260, 2421-23, or 2425)

4. Time for Detention Hearing. The United States requests the court conduct the detention hearing,

       At first appearance

  X   After continuance of   3   days (not more than 3).

5. Temporary Detention. The United States moves the court to detain the defendant during any continuance and pending completion of the detention hearing.

6. Other Matters.

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DATED this 29th day of February, 2012.

Respectfully submitted,

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